

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 1:08-cv-428
	)	
6.09 ACRES OF LAND, more or less, situated in	)	
CAMERON COUNTY, TEXAS; and	)	
ROLLINS M. KOPPEL, TRUSTEE, et al.,	)	
	)	
Defendants.	)	

**UNITED STATES OF AMERICA’S OBJECTIONS TO KOPPEL’S DEPOSITION  
EXCERPTS**

TO THE HONORABLE JUDGE OF SAID COURT.

Plaintiff, THE UNITED STATES OF AMERICA, files its Objections to the following deposition excerpts filed by Rollins M. Koppel, Trustee (“Koppel”) as part of the Joint Final Pre-Trial Order (Docket No. 212):

1. The entirety of Koppel’s Exhibit C which are the deposition excerpts of Loren Flossman. The United States reasserts and incorporates by reference its objections raised in United States’ Combined Motions in Limine and Memorandum in Support to Exclude Evidence Related to the United States from Presentation at Trial (Docket No. 195) in Part III regarding the testimony of Loren Flossman.
2. The entirety of Koppel’s Exhibit D which are the deposition excerpts of David Pagan. The United States reasserts and incorporates by reference its objections raised in United States’ Combined Motions in Limine and Memorandum in Support to Exclude Evidence Related to the United States from Presentation at Trial (Docket No. 195) in Part III regarding the testimony of David Pagan.

3. The entirety of Koppel's Exhibit E which are the deposition excerpts of Armando Elizarde. The United States reasserts and incorporates by reference its objections raised in United States' Combined Motions in Limine and Memorandum in Support to Exclude Evidence from Presentation at Trial (Docket No. 196) in Part V regarding the evidence of the criminal record of Armando Elizarde.
4. The entirety of Koppel's Exhibit F which are the deposition excerpts of Sam Marasco. The testimony of Mr. Marasco is irrelevant as it will not assist the jury in determining the fair market value of the property at issue. The value of the land taken from Mr. Koppel and any damages to the remainder are the only issues to be decided in this trial. Mr. Marasco's testimony regarding Brownsville Crossings and its plans for construction do not tend to make Koppel's claim regarding market value more probable. Additionally, any of Mr. Marasco's testimony that involves settlement negotiations, discussions, consultations or agreements between the City of Brownsville and the United States regarding land owned by the City of Brownsville and subsequently condemned as part of the border fence project are not admissible pursuant to Rule 408 of the Federal Rules of Evidence.

Respectfully submitted,

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### Certificate of Service

I hereby certify that the United States of America's Memorandum of Law was served by means pursuant to the Federal Rules of Civil Procedure, on this the 3<sup>rd</sup> day of March, 2010, upon the following counsel:

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and the following parties:

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